**State of Maine: Notice of Agency Rulemaking – August 2, 2023**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

AGENCY: **16-633 -** Department of Public Safety (DPS), **Gambling Control Board**

CHAPTER NUMBER AND TITLE: **Ch. 17**, On Premise Office Space and Remote Access, and **Ch. 5 Appendix A**, II C Surveillance

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2023-P147, P148**

BRIEF SUMMARY: The rule package adds the requirement for remote access to the surveillance system of the licensee to the Gambling Control Unit’s central surveillance facility.

PUBLIC HEARING: None applicable - written comment only.

COMMENT DEADLINE: September 1, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / BOARD RULEMAKING LIAISON: Milton Champion, 45 Commerce Drive - Suite 3, Augusta ME 04333-0087. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE:8 MRS §§ 1003(1)(B), 1004-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: N/A

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/>.

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P149**

BRIEF SUMMARY: The Department is proposing the following changes to its rule because of new legislation, PL 2023 ch. 192:

* Extending the implementation date of July 1, 2023, to January 1, 2024, for municipalities that enact ordinances without further approval by voters in a municipality and July 1, 2024, for all other municipalities.
* Changing the definition of “affordable housing development” to provide that an affordable housing development is a development in which a household whose income does not exceed a certain level can afford 51% or more of the units in the development without spending more than 30% of the household’s monthly income on housing costs; and
* Clarifying that an accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection (DEP) and municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet shoreland zoning requirements established by Department of Environmental Protection and municipal shoreland zoning ordinances.
* Amending Section 2(B)(2) to clarify that not all municipalities grant a certificate of occupancy, but instead may utilize a different procedure;
* Amending Section 3(A) and Section 4(A)(1) to clarify that additional dwelling units and accessory dwelling units are permitted on lots where residential uses are allowed, including as a conditional use;
* Amending Section 3(B)(3)(a) to clarify that dimensional requirements include setback requirements;
* Adding Section 4(B)(2)(c) to state the following about nonconforming lots: An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity;
* Adding Section 4(B)(3)(e) to state the following about illegal structures: An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section; and
* Amending Section 4(C)(1) to add that municipalities may establish an application and permitting process for accessory dwelling units that does not require planning board approval.

The Department also proposes to amend this rule to exempt from the requirements of the rule a lot or portion of a lot located in Lewiston or Auburn that is within the watershed of a water source that has received a waiver from filtration pursuant to federal regulations pursuant to PL 2023 ch. 264.

Finally, the Department proposes to amend this rule to make minor changes for clarity including:

* Adding the definitions of municipality, duplex, triplex, and quadplex;
* Amending Section 3(B)(4) to fix a typing error; and
* Amending Section 4(B)(3)(b) to add the phrase “excluding lot area requirements;”

PUBLIC HEARING: None

COMMENT DEADLINE: Monday, September 11, 2023, by 5:00 p.m.

CONTACT PERSON FOR THIS FILING: Benjamin Averill, Housing Opportunity Program Coordinator, Department of Economic and Community Development, 111 Sewall Street - 3rd Floor, 59 State House Station, Augusta, ME 04330. Telephone: (207) 441-9831. TTY:1 (800) 437-1220. Email: Housing.DECD@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: None

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: This rule requires municipalities to update land use and zoning ordinances in accordance with PL 2021 ch. 672 and PL 2023 ch. 192. The Department has funding to support municipalities with the costs of amending and implementing ordinances to comply with legislation.

STATUTORY AUTHORITY FOR THIS RULE: PL 2021 ch. 672, PL 2023 ch. 192, PL 2023 ch. 264, codified at 30-A MRS §§ 4364, 4364-A, 4364-B

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: None

DECD WEBSITE: [www.maine.gov/decd](http://www.maine.gov/decd).

DECD RULEMAKING LIAISON: Denise.Garland@Maine.gov.

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 61**, Maine Milk Pool Cost of Administration

ADOPTED RULE NUMBER: **2023-115**

CONCISE SUMMARY: Chapter 61 – *Maine Milk Pool Cost of Administration* – is amended to reflect the estimated administrative costs of operating the pool for the remainder of calendar year 2023. The rate for 2023 will be $0.01/cwt.

EFFECTIVE DATE: August 1, 2023

AGENCY CONTACT PERSON/ RULEMAKING LIAISON: Julie-Marie Bickford, Maine Milk Commission, 28 State House Station, Augusta ME 03333. Telephone: (207) 287-7521. Email Julie-Marie.Bickford@Maine.gov.

MMC RULES WEBSITE: <https://www.maine.gov/dacf/milkcommission/statutes_rules.shtml>.

COMMISSION WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.